

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF  
PENNSYLVANIA

**Terry Allen, Et al.,**

Plaintiffs,

v.

RIDDELL, INC., a corporation; RIDDELL  
SPORTS GROUP, INC., a corporation;  
ALL AMERICAN SPORTS, a  
corporation, d/b/a RIDDELL/ALL  
AMERICAN; BRG SPORTS,  
INC., a corporation, f/k/a EASTON-BELL  
SPORTS, INC.; EASTON-BELL  
SPORTS,  
LLC, a corporation; EB SPORTS, a  
corporation; RBG HOLDINGS, a  
corporation; and FENWAY PARTNERS,  
LLC, a private equity firm; (collectively,  
"RIDDELL DEFENDANTS"),

No. 2: 12-md 02323-AB

MDL No. 2323

Defendants.

CORRECTED MOTION TO REMAND

Plaintiffs Terry Allen et al, as set forth on the attached Exhibit A, move this Court for the entry of an Order, pursuant to 28 U.S.C. §1447(c), remanding this case to the Circuit Court of Cook County, Illinois. In support Plaintiffs state:

1. Plaintiffs filed their complaints with claims of product liability, fraud, and conspiracy against Riddell Defendants.
2. The claims are currently pending before this Court.
3. Plaintiffs each timely filed a motion for remand and are filing this motion to correct the factual statements in the prior individual motions.
4. The basis for jurisdiction is section 301 of the Labor Management Relations

Act (LMRA), 29 U.S.C § 185, which allegedly controls and completely preempts all the plaintiffs claims because they are each inextricably intertwined with and require interpretation of collective bargaining agreements (CBAs)

4. However, because the Riddell Defendants are not party to the collective bargaining agreement and the claims are not preempted by the Labor Management Relations Act, in addition to the reasons more fully set forth in Plaintiffs' Memorandum of Law in Support of the Motion to Remand, this Court does not possess subject matter jurisdiction over the claims asserted by Plaintiffs against Defendants.

5. Federal question jurisdiction does not exist and the claims should be remanded to state court.

WHEREFORE, Plaintiffs respectfully requests this Court enter an Order, pursuant to 28 U.S.C. §1447(c), remanding the cases listed on Exhibit A case to the Circuit Court of Cook County, Illinois.

December 7, 2017

Respectfully submitted,

s/ Ron A. Cohen

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